

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:22 CR 235 JAR PLC
	)	
MICHAEL HEMPHILL,	)	
	)	
Defendant.	)	

**MOTION FOR PRETRIAL DETENTION AND HEARING**

The United States of America, by and through its Attorneys, Sayler Fleming, United States Attorney for the Eastern District of Missouri, and Ricardo M. Dixon, Assistant United States Attorney for the District, moves the Court to order Defendant detained pending trial and further requests that a detention hearing be held three days from the date of Defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, Section 3141, et seq.

As and for its grounds, the United States of America states as follows:

1. Defendant is currently charged with one count of being a Felon in Possession of a Firearm, in violation of Title 18, United States Code, Section 922(g)(1).
2. Pursuant to Title 18, United States Code, Section 3142(g)(2), the weight of the evidence involves a prohibited person, Defendant, knowingly possessing Ruger LC9, 9-millimeter semi-automatic pistol, in the Eastern District of Missouri, within his motor vehicle on September 19, 2021. The aforementioned was discovered in the center console of the vehicle. Defendant made statements to law enforcement that he had purchased the vehicle from another person. Defendant was the sole occupant of the vehicle when Missouri State Highway Patrol

troopers conducted a traffic stop. Defendant also made statements to Missouri State Highway Patrol troopers indicating that he knowingly possessed the firearm.

3. Pursuant to Title 18, United States Code, Section 3142(g)(3), the history and characteristics of Defendant's criminal history include a federal conviction in the Eastern District of Missouri for Possession with Intent to Distribute Cocaine Base – Crack, in Cause Number: 4:09-CR-00347 ERW. It is the United States' understanding that Defendant was on supervised release in his federal case at the time of his arrest in the present case. It is also the Government's understanding that Defendant has violated his conditions of release by possessing a firearm on September 19, 2021.

4. Pursuant to Title 18, United States Code, Section 3142(g)(4), the nature and seriousness of the danger to any person or the community that would be posed by Defendant's release warrant Defendant's detention pending trial. Defendant has been previously convicted in the Eastern District of Missouri for a serious drug felony. Defendant was on federal supervision in the Eastern District of Missouri at the time that of his arrest for the present unlawful conduct. The evidence against Defendant is strong. Defendant faces a lengthy period of confinement should he be convicted of the charged offense and the United States believes that least restrictive sanctions will not protect the public from Defendant's behavior—indeed, Defendant is facing his second federal indictment shortly after being placed on supervision for his previous case. Thus, Defendant should be detained pending trial in light of his inability to engage in lawful conduct, the seriousness of his prior conviction, and the threat that he presents to people residing throughout the Eastern District of Missouri.

WHEREFORE, the United States requests this Court to order Defendant detained prior to trial, and further order a detention hearing three (3) days from the date of Defendant's initial appearance.

Respectfully submitted,

SAYLER FLEMING  
United States Attorney

s/ Ricardo M. Dixon  
RICARDO M. DIXON, #70026 (MO)  
Assistant United States Attorney

#### **CERTIFICATE OF SERVICE**

I hereby certify that on April 28, 2022, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/Ricardo Dixon  
RICARDO DIXON #70026MO  
Assistant United States Attorney